

# PATENT COOPERATION TREATY

Rec'd PCT/ATO

08 JUL 2004

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
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## PCT

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing (day/month/year) <b>10 NOV 2003</b>	
Applicant's or agent's file reference 09741620-0379	REPLY DUE within 2 months/days from the above date of mailing
International application No. PCT/US03/00740	International filing date (day/month/year) 10 January 2003 (10.01.2003)
Priority date (day/month/year) 11 January 2002 (11.01.2002)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): A47J 37/00, 37/06 and US Cl.: 219/438,386,404,442; 99/333	
Applicant SALTON, INC.	

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input checked="" type="checkbox"/>	Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.
 

<b>When?</b>	See the time limit indicated above. <del>The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).</del>
<b>How?</b>	By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.
<b>Also</b>	For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 11 May 2004 (11.05.2004).

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer <i>J. Hurley for</i> Joseph M Pelham Telephone No. 703-308-0861
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Form PCT/IPEA/408 (cover sheet)(July 1998)

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# WRITTEN OPINION

International Application No.

PCT/US03/00740

## I. Basis of the opinion

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:
  - pages 1-10, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the claims:
  - pages 11 and 12, as originally filed
  - pages NONE, as amended (together with any statement) under Article 19
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the drawings:
  - pages 1-23, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:
  - pages NONE, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

### 5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

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**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. STATEMENT**

Novelty (N)	Claims <u>1-12</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-12</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-12</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-12 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a roaster as claimed, including specifically an upper pan heating element with thermostat and upper side wall, and a lower pan heating element with thermostat and lower side wall.

Claims 1-12 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

**WRITTEN OPINION**

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 2-4 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 2 is indefinite for the following reason(s): in the last line of claim 2, "upper" should evidently instead be "lower".

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.